



(916) 324-4754

March 29, 1996

Ms. Sheri Nicholas  
Loss Prevention Manager  
Deutsch ECD  
680 Airport Road  
Oceanside, California 92054

#### ONSITE RECYCLING OF OILY WASTEWATER

Dear Ms. Nicholas:

In your letter dated January 17, 1996, you requested an exception from obtaining a "tiered permit" for a distillation unit for your facility located at:

Deutsch ECD  
700 South Hathaway Street  
Banning, California 92220

You state in your letter that the distillation unit will allow you to reclaim the water from used materials and reuse the water as an ingredient in your raw materials. You note that according to Health and Safety Code (HSC), section 25143.2, the water will be considered a recyclable material and state that since the distillation unit will be a recycling process, for a recyclable material, for use onsite, it should be entitled to an exception from tiered permitting, since you will not be treating waste.

The enclosed description of your proposed distillation process notes that oil waste streams that contain water and which are generated from oily mop water, degreaser rinse water and water soluble coolants will be processed through the distillation unit to recover the water content. The water will be reclaimed and the remaining oily waste will be sent off-site for recycling by an oil recycling facility. Of the three generated waste streams mentioned above, you state that the water content of each, respectively, is as follows: 97%, 96%, and 83%. The reclaimed water will be returned to the on-site operations that generated the wastes initially.

First, we want to point out that in order for a waste to be subject to either an onsite permit or be eligible for a recycling exclusion, that waste must be a hazardous waste. Pursuant to section 66262.11 of Title 22 of the California Code of Regulations (22 CCR) a generator is responsible for determining if his/her waste is hazardous or nonhazardous by testing representative samples of the

waste using the methods set forth in Chapter 11, Division 4.5, 22 CCR and/or applying knowledge of the hazardous characteristics in light of the materials or processes used to generate the waste. We note this primarily, because the water concentrations for the first two wastestreams you mention, the oily mop water and degreaser rinse water, are 97% and 96%, respectively. While it is possible that these wastestreams may indeed exhibit a characteristic of a hazardous waste, the high concentrations of water indicate that it is possible that these are not hazardous wastes to begin with. If you accurately determine, according to the provisions in section 66262.11, that this is the case, you may manage these, or any other wastestream you determine to be non-hazardous without authorization from the Department of Toxic Substances Control (DTSC).

If we assume, however, that all three wastestreams are hazardous, HSC section 25143.2 exempts qualifying activities from having to meet applicable hazardous waste facility permit requirements (including tiered permitting requirements) and excludes qualifying materials from classification as "waste" if certain conditions are met. The exemption found in HSC section 25143.2(c)(2), would apply to your situation if applicable conditions are met. As provided in HSC section 25143.2(c)(2), any recyclable material may be recycled at a facility which is not authorized pursuant to applicable hazardous waste facilities permit requirements if the following requirements are met:

- " The material is recycled and used at the same facility at which the material was generated.
- " The material is recycled within 90 days of its generation.
- " The material is managed in accordance with all applicable requirements for generators of hazardous wastes under HSC Chapter 6.5 and the regulations adopted by the Department (Division 4.5, Title 22 of the California Code of Regulations).
- " None of the provisions found in subdivision (e) of HSC section 25143.2 supersede the exemption.
- " The recordkeeping and related requirements of subdivision (f) of HSC section 25143.2 are met.

In addition, the reporting requirements found in HSC section 25143.10 will have to be met if you recycle more than 100 kilograms of recyclable material in any month under the claim that you are exempted from permit requirements as provided in HSC section 25143.2.

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It appears from your calculations, that you will be recycling and reusing 100% of the water. DTSC's current policy is that a company recycling a significant portion of the water from treated hazardous waste may qualify for the exemption. However, DTSC may be reviewing this issue in the future and may establish standards for minimum amounts or percentages of recovered water actually reused onsite in order to qualify for a recycling exemption or exclusion. DTSC will seek input from industry if we decide to establish such recycling standards.

In summary, if your wastewaters are hazardous, Deutsch ECD can recycle their wastewaters onsite without meeting otherwise applicable Departmental permit requirements (including tiered permitting) if applicable conditions of HSC section 25143.2(c)(2) are met and a significant amount of the water is reused beneficially at that location. All wastes generated from the recycling procedures would, of course, have to be properly characterized and managed appropriately.

If you have any questions concerning this letter, please contact me at (916) 324-4754 or the address above.

Sincerely,

[ Original Signed ]  
Diana Peebler  
Resource Recovery Section

cc: John M. Fanning, Director  
Department of Environmental Health  
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P.O. Box 7600  
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cc: Mr. Don Johnson, Chief  
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